

IN THE DISTRICT COURT OF LINCOLN COUNTY, NEBRASKA

JEFF NIELSEN, ) Case No. CI15-\_\_\_\_\_  
)  
Plaintiff, )  
)  
v. )  
)  
RUFINO LEIVA; SCHWOB BUILDING ) COMPLAINT  
COMPANY, LTD, d/b/a SCHWOB )  
BUILDING COMPANY, and/or SCHWOB )  
BUILDING CORP., and SCHWOB )  
ENERGY SERVICES, LLC; and JOSE )  
RODARTE, )  
)  
Defendants. )

1. Jeff Nielsen is a resident of North Platte, Lincoln County, Nebraska.
2. Rufino Leiva is a resident of the state of Texas.
3. Schwob Building Company, LTD, d/b/a or a/k/a Schwob Building Company and/or Schwob Building Corp. and Schwob Energy Services, LLC (hereinafter Schwob) is a corporation or limited liability company authorized and existing under the laws of the state of Texas with its principal place of business at Dallas, Texas.
4. At all times relevant hereto Rufino Leiva was an employee of Schwob and was acting within the course and scope of his employment by Schwob.
5. Defendant Jose E. Rodarte is a resident of the state of Texas.
6. On December 13, 2011, defendant Rufino Leiva was northbound on U.S. Highway 83 in Lincoln County, Nebraska, driving a 2000 Ford Excursion SUV pulling an enclosed 2009 cargo trailer when his vehicle left the roadway and struck a 2001 Buick 4 door sedan occupied by Jeff Nielsen. At the time of the collision, the Buick vehicle occupied by Jeff Nielsen was parked on the southbound or west shoulder of the roadway with its flashers

operational, part of the Buick was upon the grass shoulder and part upon the paved shoulder. Jeff Nielsen had stopped while traveling southbound to assist a stranded motorist whose vehicle was on the grass northbound or east shoulder of the roadway. Neither the vehicle of the stranded motorist nor the vehicle operated by Jeff Nielsen occupied any part of the driving lanes at the time of the collision or at the time Rufino Leiva's vehicle approached the proximity of the accident.

7. During said accident the 2009 cargo trailer pulled by the Rufino driven Excursion was struck by a 2000 Ford F250 pickup driven by Jose Rodarte who, before the collision, was northbound on Highway 83 directly behind the Excursion and trailer operated by Rufino Leiva.

8. The collision of December 13, 2011, was the direct and proximate result of the negligence of the defendants. Any negligence of Rufino Leiva is imputed to Schwob as the employer of Rufino Leiva.

9. As a direct and proximate result of the negligence of the defendants, the vehicle driven by Jeff Nielsen rolled and was totaled and Jeff Nielsen suffered severe disabling and permanent injuries which have required extensive medical care to date and will continue to require medical care and treatment in the future. Jeff Nielsen has also, as a direct result of the accident, suffered and will continue to suffer loss of income, loss of earning capacity, mental and physical pain and suffering, expense for medical care and the cost of travel for medical care. His economic losses to date are approximately \$255,000.00.

WHEREFORE, plaintiff prays for judgment against defendants, jointly and severally, for his economic damages to date in the approximate amount of \$255,000.00, the exact amount of which to be proven at trial, non-economic damages as allowed by law, the cost of this action and such other and further relief as is allowed by law.

JEFF NIELSEN, Plaintiff

By: 

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